

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**Jermaine Irby,**

*Plaintiff,*

*v.*

**Secretary Christine Wormuth,**

*Defendant.*

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**6:21-CV-01143-ADA-DTG**

**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 60. The Report recommends that this Court grant Defendant's Motion for Summary Judgment (ECF No. 39). The Report and Recommendation was filed on July 31, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider "[f]rivolous, conclusive, or general objections." *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed an objection on August 14, 2023. ECF No. 61. Defendant filed a response. ECF No. 62. Plaintiff filed a reply. ECF No. 63. The Court has conducted a *de novo* review of the motion for summary judgment on deemed admissions, the responses, the report and recommendation, the objections to the report and recommendation, the responses to the

objections, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of United States Magistrate Judge Gilliland, ECF No. 53, is **ADOPTED**.

**IT IS FURTHER ORDERED** that Plaintiff's objections are **OVERRULED**.

**IT IS FINALLY ORDERED** that Defendant's Motion for Summary Judgment (ECF No. 39) is **GRANTED**.

SIGNED this 22nd day of September, 2023.

A handwritten signature in black ink, reading "Alan D. Albright", written over a horizontal line.

**ALAN D ALBRIGHT**  
**UNITED STATES DISTRICT JUDGE**